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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,821	11/04/2003	Lionel Jacques Garin	ST03005CIP (54-US-CIP1)	6244
7590 01/04/2006			EXAMINER	
THE ECLIPSE GROUP 10453 Raintree Lane Northbridge, CA 91326			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/700,821	<b>Applicant(s)</b> GARIN ET AL.	
	<b>Examiner</b> Brian J. Broadhead	<b>Art Unit</b> 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 19 depends on claim 14, which recites the same limitations.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 8, 9, 10, 11, 12, 13, 14, 31, 33, 38, 39, 40, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Eschenbach, 6211817.

3. Eschenbach discloses a mobile station using stored satellite sub-almanacs to acquire a plurality of satellites, the mobile station using the satellite sub-almanacs to take measurements, and the mobile station using the sub-almanacs to calculate a coarse position of the mobile station in figure 3; the mobile station transmitting the coarse position to a network on lines 35-43, on column 9; the network or server calculating a correction to the coarse position on lines 44-45, on column 9; the network transmitting the correction to the mobile station on lines 55-58, on column 9; the mobile station transmitting an identification list to the network, wherein the identification list

comprises identifications of particular satellites used in calculating the coarse position, and identifications of particular sub-almanacs for each of the particular satellites on lines 35-43, on column 9; the correction comprises calculating a position correction vector over satellites used to calculate the coarse position on column 9; and the correction comprises calculating pseudorange corrections, or differential corrections over satellites used to calculate the coarse position on lines 44-58, on column 9.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschenbach, 6211817, in view of Fuchs et al., 6453237.

6. Eschenbach discloses the limitation as set forth above. Eschenbach does not disclose the mobile station transmits the coarse position to the network after a period of time. Fuchs et al. teach the mobile station transmits the coarse position to the network after a period of time on lines 15-18, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Fuchs et al. in the invention of Eschenbach because such modification would account for communication outages.

7. Claims 4, 6, 15, 17, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschenbach, 6211817, in view of Jandrell, 2003/0016170.

8. Eschenbach discloses the limitation as set forth above. Eschenbach does not disclose determining whether any of the sub-almanacs need replacement and transmitting the replacement to the mobile station; and the mobile station receiving a reference position and using the reference position to calculate the coarse position. Jandrell teaches determining whether any of the sub-almanacs need replacement and transmitting the replacement to the mobile station; the mobile station receiving a reference position and using the reference position to calculate the coarse position in paragraph 90 and 98. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Jandrell in the invention of Eschenbach because such modification would allow estimation of Doppler shift and provide improved positioning.

9. Claims 7, 18, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschenbach, in view of Jandrell, 2003/0016170, as applied above to claims 6, 17, and 36, in further view of Dooley et al., 2003/0212487.

10. Eschenbach and Jandrell disclose the limitations as set forth above. Eschenbach and Jandrell do not disclose the coarse position comprises transmitting a position difference between the reference position and the coarse position. Dooley et al. teach the coarse position comprises transmitting a position difference between the reference position and the coarse position in paragraphs 4 through 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the position representation of Dooley et al. in the invention Eschenbach and Jandrell because such modification is a design choice. A normal position is usually represented

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as a relative distance from the coordinates system's origin; in this case the origin is set as the reference position.

### ***Double Patenting***

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. Claims 1, 3-8, 10-19, 21-24, 26, 27, 31, 33-38, 40, and 41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6671620. Although the conflicting claims are not identical, they are not patentably distinct from each other because while the terminology in both sets of claims are not identical, one of ordinary skill in the art would recognize them as equivalents.

13. Claim 25 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6671620 in view of Gaal et al., 6570530. One of ordinary skill in the art at the time the invention was made would find it obvious to use repeated position calculation of Gaal et al. in the previous

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invention because such modification would provide for a more accurate position estimate as disclosed in Gaal et al.

14. Claims 2, and 32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6671620 in view of Fuchs et al., 6453237. One of ordinary skill in the art at the time the invention was made would find it obvious use the ability to transmit information after a period of time taught in Fuchs et al. because such modification would allow for communication outages.

15. Claims 9, 20, and 39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6671620 in view of Vayanos et al., 6429809. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the position correction vector of Vayanos et al. in the previous invention because such modification is a design choice. Use of several different corrections are known in the art and can be substituted with each other.

16. Claims 28, 29, and 30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6671620 in view of Jandrell, 2003/0016170. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the age of the almanac determination of Jandrell in the previous invention because older almanacs are less accurate when used for position determination.

***Response to Arguments***

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17. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

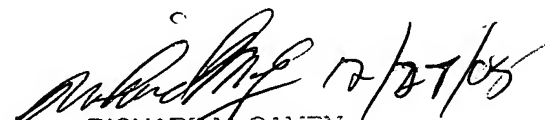
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BJB

  
RICHARD V. GANDY  
PRIMARY EXAMINER